

**UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT**

UNITED STATES OF AMERICA, *

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Appellee,

V.

Case No. 24-3006

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PETER K. NAVARRO,

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Appellant.

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**UNOPPOSED MOTION FOR LEAVE TO FILE
AMICI CURIAE BRIEF IN SUPPORT OF APPELLEE**

Heidi Kitrosser, Mark J. Rozell, and Mitchel A. Sollenberger (collectively “Movants”) respectfully move this Court for leave to participate as *amici curiae* in support of the Government. The Government does not oppose this Motion, and Appellant takes no position on this Motion.

Movants are law professors and/or scholars who teach, research, and/or write about topics related to Executive Privilege.¹ They intend to submit a brief in support of the Government to explain why there is no legitimate basis for a former President to be able to assert Executive Privilege without the involvement of the incumbent President and, even if there were, no legitimate basis for a subordinate

¹ See, e.g., Kitrosser, *Secrecy and Separated Powers: Executive Privilege Revisited*, 92 Iowa L. Rev. 489 (2007); Rozell & Sollenberger, *Executive*

official of a former President to be able to assert Executive Privilege without the involvement of the former President. Their interest in this case is ensuring that a subordinate of a former President cannot use claims of privilege as a means to override the legitimate interests of the incumbent President and the American people.

Date: June 21, 2024

Respectfully submitted,

/s/ Kelly B. McClanahan
Kelly B. McClanahan, Esq.
D.C. Bar #984704
National Security Counselors
4702 Levada Terrace
Rockville, MD 20853
301-728-5908
240-681-2189 fax
Kel@NationalSecurityLaw.org

Counsel for Movants

Privilege: Presidential Power, Secrecy and Accountability, Lawrence, KS:
University Press of Kansas (2020).

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing filing contains 319 words, and was prepared in 14-point Times New Roman font using Microsoft Word 2016.

/s/ Kelly B. McClanahan
Kelly B. McClanahan, Esq.